

The Commonwealth of Massachusetts

Middlesex, ss.

To Keeper of Records - Comm of MA Dept.
of Public Health - William A. Hinton Lab
Institute
350 South St.
Jamaica Plain,MA greetings.

You are hereby commanded, in the name of The Commonwealth of Massachusetts, to appear before the Middlesex Superior Court, 200 Trade Center, Holden at Woburn within and for the county of Middlesex, on the 2nd, day of August, 2012, at 2:00 P.M., o'clock in the after, noon, and from day to day thereafter, until the action hereinafter named is heard by said Court, to give evidence of what you know relating to an action of Criminal Hearing, then and there to be heard and tried between Commonwealth of Massachusetts, Plaintiff, and [REDACTED] Defendant, Docket [REDACTED] and you are required to bring with you see attached Rule 17 Motion, , *Inquires to Atty. Richard Doyle @ 617-864-1390., **Subpoena issued at the request of the defendant., , , , .

Hereof fail not, as you will answer your default under the pains and penalties in the law in that behalf made and provided.

Dated at Boston the 3rd, day of July, A.D. 2012.

~~Commission Exp 11/28/14 Notary Public~~

17. *Leucosia* *luteola* *var.* *luteola*

7/10/12

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
MIDDLESEX DIVISION
NO: [REDACTED]

COMMONWEALTH)
)
V.)
[REDACTED])
)

MOTION TO COMPEL PRODUCTION OF
DOCUMENTARY EVIDENCE AND OBJECTS
PURSUANT TO SUBPOENA DUCES TECUM

Now comes the defendant, [REDACTED] and moves before this Honorable Court, pursuant to M.R. Crim. P. 17 (a)(2), for an order compelling THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH, WILLIAM A. HINTON STATE LABORATORY INSTITUTE, 350 SOUTH ST., JAMAICA PLAIN, MA., 02130 to produce documentary evidence and objects (specifically, records showing that State Chemist ANNIE DOOKHAN breached the chain of custody protocol of the William A. Hinton State Laboratory Institute in June, 2011, thus, affecting cases in Norfolk County) pursuant to subpoena duces tecum.

As reason, therefor, the defendant attaches an affidavit.

Respectfully submitted,

[REDACTED]
By his Attorney:

Richard M. Doyle, Jr.
875 Massachusetts Avenue
Suite 32
Cambridge, Ma. 02139
Tel: (617) 864-1390

Dated: July 2, 2012

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX

SUPERIOR COURT DEPARTMENT
MIDDLESEX DIVISION
NO: [REDACTED]

COMMONWEALTH)

V.)

AFFIDAVIT

)

)

1. My name is Richard M. Doyle, Jr., my B.B.O. number is 552133, my practice is located at 875 Massachusetts Avenue, in Cambridge, Ma..
2. [REDACTED] is my client.
3. I have recently learned from the Commonwealth that the State Chemist in this matter, Ms. Annie Dookhan, has breached the chain of custody protocol in criminal prosecutions in Norfolk County, as recently as June, 2011.
4. To mount an effective defense in the foregoing matter, counsel will argue that any records relating to this breach of chain of custody protocol are properly admissible in the case at bar.
5. The requested documents will not be forthcoming until this motion is allowed.
6. The defendant attaches exhibit #1 (Commonwealth's Discovery Notice) in support of his contention.
7. The defendant respectfully requests that this motion be allowed.
[REDACTED]

By his Attorney:

Richard M. Doyle, Jr.
875 Massachusetts Avenue
Suite 32
Cambridge, Ma. 02139
Tel: (617) 864-1390

COMMONWEALTH OF MASSACHUSETTS

I, Richard M.Doyle,Jr., Attorney for the defendant,
[REDACTED] hereby state, under the pains and penalties of
perjury, that I have forwarded a copy of the foregoing Motion to
Compel Production of Documentary Evidence and Objects upon the
District Attorney's Office, 15 Commonwealth Ave., Woburn, Ma., 01801
by first class mail.

Signed under the pains and penalties of perjury this
2nd day of July, 2012.

Richard M. Doyle, Jr.

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.

SUPERIOR COURT
DOCKET NO. [REDACTED]

Ex. #1

COMMONWEALTH

v.

[REDACTED]

COMMONWEALTH'S DISCOVERY NOTICE

Now comes the Commonwealth and, in light of Mass. R. Crim. P. 14 and case law, and in an abundance of caution, hereby notifies the defendant that the Commonwealth has been advised that state chemist Annie Dookhan breached the chain-of-custody protocol of the William A. Hinton State Laboratory Institute in June, 2011. After an investigation conducted by the Department of Public Health, it was determined that the only cases affected by the protocol breach were from Norfolk County.

The Commonwealth is aware of its continuing discovery obligations and will provide any further discoverable information to the defendant as necessary.

Respectfully Submitted
For the Commonwealth

GERARD T. LEONE, JR.
DISTRICT ATTORNEY


Lisa L. Fuccione
Assistant District Attorney

Date: 3/30/12